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TO: C.X. Qian
Art Unit: 1636
FAX: (703) 872-9306
FROM: Sheela Mohan-Peterson
DATE: March 22, 2004
RE: Docket No.: DX01052K1
USSN: 10/009,445
Filed: 11/11/2001
Title: MAMMALIAN PROTEINS; RELATED REAGENTS AND METHODS

Any difficulty with this facsimile, please call:
Melanie Lyons at (650) 496-1183

Documents attached:

1.	Transmittal	1 page
2.	Response to Restriction Requirement (w/Appendix A)	4 pages

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Melanie Lyons

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PTO/SB/21 (03-03)

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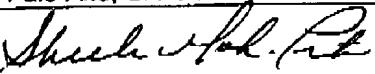
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		Application Number	10/009,445
		Filing Date	11/13/2001
		First Named Inventor	A. Neil Barclay
		Art Unit	1636
		Examiner Name	C. X. Qian
Total Number of Pages in This Submission	6	Attorney Docket Number	DX01052K1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Certified Copy of Priority Document(s)		
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks: 1. Response to Restriction Requirement (4 pages) 2. Fax Transmittal Sheet (1 page)		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Sheela Mohan-Peterson, Reg. No. 41,201 DNAX Research, Inc. 901 California Ave. Palo Alto, CA 94304-1104
Signature	
Date	22-March-2004

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MAR 22 2004

OFFICIAL

Attorney Docket: DX01052K1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re application of:
A. Neil BARCLAY, et al.

Application No.: 10/009,445

Filed: November 11, 2001

For: MAMMALIAN PROTEINS;
RELATED REAGENTS AND
METHODS

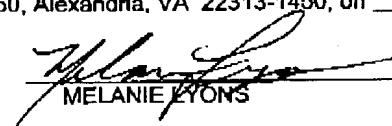
Examiner: C. X. Qian

Art Unit: 1636

Conf. No.: 1467

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by:



MELANIE LYONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This is a response to the Restriction Requirement, dated February 25, 2004

I. Restriction Requirement

The Examiner restricted the application into thirteen separate inventions as defined by PCT Rule 13.1:

- I. Claim 1, drawn to a recombinant or natural polypeptide comprising a sequence display in one of the sequence identifiers (SEQ ID).
- II. Claim 1 drawn to a fusion polypeptide comprising OX2RH1 sequence from a specific origin.
- III. Claim 2, drawn to a binding compound that comprises an antigen binding site or an antibody which specifically bind to natural OX2RH.
- IV. Claims 3 and 4, drawn to a nucleic acid encoding a polypeptide of claim 1 or hybridizes to the sequence of one of the SEQ ID, or exhibits identity to an OX2RH cDNA.
- V-VIII. Claims 5-7, drawn to a method of enhancing myeloid function of a cell by contacting V) an antibody to the OX2RH; VI) a soluble OX2RH construct; VII) a soluble OX2RH-Ig fusion; or VIII) an OX2RH antisense nucleic acid to the OX2RH.

IX-XII. Claims 5-7, drawn to a method of enhancing immunity of a cell or animal by contacting IX) an antibody to the OX2RH; X) a soluble OX2RH construct; XI) a soluble OX2RH-IG fusion; or XII) an OX2RH antisense nucleic acid to the OX2RH.

XIII. Claim 8, drawn to a method for identifying a non-OX2 ligand for an OX2R by screening a library from an OX2 knockout mouse for a gene binding to OX2R-Ig protein.

The Examiner further required that if Groups I-IV are chosen, then a single specific sequence identifier must be elected.

Applicants provisionally elect Group II, Claim 2, drawn to a binding compound that comprises an antigen binding site or an antibody which specifically bind to natural OX2RH as discussed in the Office Action. Applicants further elect, with traverse, the binding compound that binds to a polypeptide of SEQ ID NO: 20. Applicants traverse this requirement on the grounds that SEQ ID NO: 4 shares close identity with SEQ ID NO: 20, as evidenced by the alignment attached hereto as Appendix A. A binding compound that binds to SEQ ID NO:20 should also bind to a large portion of SEQ ID NO:4. Thus Applicants request that SEQ ID NOs:4 and 20 be examined together.

Applicants will address the issue of inventorship for the elected claims and amend inventorship appropriately if the elected restriction is made final.

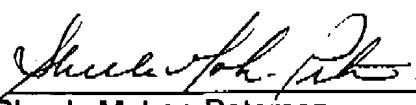
Applicants reserve the right to file subsequent applications claiming the non-elected subject matter and do not waive any of their rights or abandon any non-elected subject matter. Since Applicants have fully and completely responded to the Restriction Requirement and have made the required election, this application is now in order for early action.

If the Examiner believes that a telephone conference would aid the prosecution of this case in any way, please call the undersigned.

The Commissioner is hereby authorized to charge the requisite fee to DNAX Deposit Account 04-1239. Please charge any additional fees or credit overpayment to DNAX Deposit Account No. 04-1239.

Respectfully submitted,

Date: 22-March-2004

By: 
Sheela Mohan-Peterson,
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Enclosure: Appendix A

APPENDIX A: USSN 10/009,445 - RESPONSE TO RESTRICTION REQUIREMENT

CD200R_1.2	MLCPWRTANLGLLLILTIPLVAEAEGAAQPNNSLMLQTSKENHALASSSLCMDEKQITQN
CD200R_1.0	MLCPWRTANLGLLLILTIPLVAEAEGAAQPNNSLMLQTSKENHALASSSLCMDEKQITQN
CD200R_1.2	YSKVLAEVNTSWPVKMATNAVLCCPIALRNLIITWEIIILRGQPSCTKAYRKETNETKE
CD200R_1.0	YSKVLAEVNTSWPVKMATNAVLCCPIALRNLIITWEIIILRGQPSCTKAYKKETNETKE
CD200R_1.2	TNCTDERITWVSRPDQNSDLQIRPVAITHDGYYRCIMVTPDGNFHRGYHLQVLVTPEVTL
CD200R_1.0	TNCTDERITWVSRPDQNSDLQIRPVAITHDGYYRCIMVTPDGNFHRGYHLQVLVTPEVTL
CD200R_1.2	FQNRNRRTAVCKAVAGKPAAQISWIPEGDCATKQEYWSNGTVTVKSTCHWEVHNSTVTCH
CD200R_1.0	FQNRNRRTAVCKAVAGKPAAHISWIPEGDCATKQEYWSNGTVTVKSTCHWEVHNSTVTCH
CD200R_1.2	VSHLTGNKSLYIELLPVPGAKKSAKLYIPYIILTIIILTIIVGFIWLLKVNGCRKYKLNKT
CD200R_1.0	VSHLTGNKSLYIELLPVPGAKK-----ISKIIYSIY-----
CD200R_1.2	ESTPVVEEDEMQPYASYTEKNNPLYDTTNKVKASQALQSEVDTDLHTL
CD200R_1.0	-----HPYYYYLDHRC-----IHLVVESQWLQKI-----